

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
5 ARTHUR P. BEEVER
Deputy Attorney General
6 State Bar No. 242040
455 Golden Gate Avenue, Suite 11000
7 San Francisco, CA 94102-7004
Telephone: (415) 703-5865
8 Fax: (415) 703-1234
Email: arthur.beever@doj.ca.gov
9 Attorneys for Respondent

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 **MARK M. LOWE,**

Petitioner,

14
15 **v.**

16 **JIMMY WALKER, Warden,**

Respondent.

C 08-005 SI (pr)

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
EXTENSION OF TIME TO FILE
RESPONSE**

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19 I, Arthur P. Beever, declare under penalty of perjury as follows:

20 1. I am a Deputy Attorney General for the State of California and am assigned to
21 represent respondent in this habeas corpus case.

22 2. On April 7, 2008, this Court issued an Order to Show Cause why the petition for a writ
23 of habeas corpus should not be granted. However, according to the certificate of service, the order
24 was not mailed until April 8, 2008. The California Attorney General's Office in San Francisco
25 docketed the order on April 14, 2008.

26 3. The Deputy Attorney General who was assigned to represent respondent in the state
27 courts, David Baskind, is currently offline working on a capital case. I am unfamiliar with the case.
28 I have ordered the state court record from our archives and have received it. However, I am

1 presently unable to begin working on this case because I am preparing the Respondent's Brief on
2 the Merits in *People v. Stevens* (California Supreme Court Case No. S158852). In the past 30 days,
3 I filed Answers in the previously assigned cases of *Thigpen v. Adams* (C 07-4028) and *Johnson v.*
4 *Kane* (C 07-4417). Once I have completed briefing *People v. Stevens*, I will devote substantially
5 all of my time to working on this case.

6 4. I have not attempted to contact petitioner because he is an incarcerated state prisoner
7 who is representing himself in this case.

8 5. Accordingly, I respectfully request that this Court grant an extension of time to and
9 including June 8, 2008, in which to file a response to the order to show cause.

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11 Dated: May 9, 2008

12 Respectfully submitted,

13 EDMUND G. BROWN JR.
Attorney General of the State of California

14 DANE R. GILLETTE
Chief Assistant Attorney General

15 GERALD A. ENGLER
Senior Assistant Attorney General

16 PEGGY S. RUFFRA
Supervising Deputy Attorney General

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18
19 /s/ Arthur P. Beever
ARTHUR P. BEEVER
20 Deputy Attorney General
21 Attorneys for Respondent
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